

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
October 16, 2013**

Meeting was called to order at 6:15 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Parys, Ms. Scott-Pipes and Mr. Schmid.

Also Present: Patrick Gullivan and Carol Logue, Secretary

Agenda: Motion to amend the agenda to include 159 and 161 Hollett Street, 280 Gannett Road, 105 Glades Road, CRs, and Edward Foster Road (horse), Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Informal Discussion: O'Neill, 154 Turner Road

Bob O'Neill was present. There is an open order for 102 Scituate Ave. which is an approved old cottage located on 154 Turner. Neighbor asked to enlarge deck, original deck is 4' x 16'. Plan shows existing open deck, outside the 50' buffer, silt fence is still there. Deck enlargement would require 4 sonotubes. All seeded, grass is growing well. Original order was extended. Ms. Scott-Pipes: have a feeling he might have to amend the Orders because the property line changed. Mr. Gullivan: Looks like it is all part of the Order; might require a revised plan; it is farther from the wetland. Mr. Parys: even if subdivided, Order is still in effect. Look at the orders and if open orders apply to that property should be fine, otherwise file a Request for Determination. Next meeting submit either a separate RDA or revised plan.

Informal Discussion: Cilento, 260 Central Ave. (pave/open Order)

Bartley Cilento and Joe Scanzillo were present. Seeking guidance regarding repaving an area previously paved, but that was severely damaged from the storm. He was under the false impression that the emergency declaration allowed by DEP after the February storm allowed him to repave. Mr. Snow: Pavement all removed? Yes, but was stopped within a couple of hours. Mr. Gullivan: DEP emergency was just for moving sand and rocks. An Amendment would be an option. Will it be in the same footprint? Yes. Mr. Scanzillo can attest that when the section of seawall and concrete deck was built the area was paved. Septic tank is under the pavement; wash over was causing voids. Ms. Scott-Pipes: don't like to see pavement down there; it excels the over wash. Mr. Cilento: to the North driveways are gravel, south are mostly impermeable. Just asking to replace what was there. Mr. Gullivan: possibly compromise and reduce a little. Ms. Caisse: think the fact that it was paved before and there is no increase is a plus, but is there a chance you could plant something on either side? Not paving to the extent of the property line. It is also an economic thing, \$6,000 for the job. Mr. Snow: planter still there on the right? Yes. Pavement is under the open deck going right up to the house. It looks like about 1200 sq. ft. It is a barrier beach and we would like a little consistency and some recharge area. Would like to reduce concrete and almost the whole property is impervious. Have tried for less impervious surfaces in Humarock. Submit a letter requesting an amendment. It is the same abutter notification as a NOI. Commission is frustrated with some of the paving companies, they have a responsibility as well, but we understand the confusion. Some folks don't bother to check with Conservation at all.

Request for Determination: Carnes, 10 Fox Vine Lane (16' x 16' shed)*

Plan received has an old wetland line. They will hire a wetland person to update the line. Motion to continue the hearing to October 28, 2013 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Jacob Hatch Condo Association/Scanzillo, 10 New Driftway (repair retaining walls & guardrails)*

Joe Scanzillo was present at the hearing. Need to repair damage to the entrance due to a history of plows and cars hitting it. Guardrails are down. The plan is to put the guardrail in concrete and install concrete behind. Concrete will be in the current rip rap area. Mr. Gullivan: evidence of all sorts of accidents. Did MBTA do any eradication of phragmites around your area? Yes, it was somewhat effective. There is some on harbor side of driveway only. Mr. Snow: Seems like there is a lot of disturbed soils. This is not a natural runoff area, came about when Driftway was built. Motion for a negative 3 determination - "The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any)." Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Roche, 232 Central Ave. (enlarge deck) (cont.)

Applicant's representative withdrew the project. Motion to accept the withdrawal without prejudice Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Routh/Cook, 46 Indian Wind Dr. (12' x 18' garage & permeable driveway)*

Steve Ivas, Ivas Environmental and Duncan Routh were present at the hearing. BVW surrounds an intermittent stream from north to west going to Aaron River, with a small isolated vegetated wetland to the rear. There is a Certified Vernal Pool off site, but on the Natural Heritage data layer it shows the pool in the house. It is offsite on the Hennessey property. Estimated habitat and priority habitat runs just north of the house. Natural Heritage was sent a Notice of Intent; they have 30 days to respond which is up November 4, before Order of Conditions can be finalized; believe it concerns the Eastern Box Turtle. This is a complex site regarding resources. Project is a 12' x 28' garage to the north of house; 12' x 40' permeable paver driveway; garage is 118 sq. ft. into the 50' buffer to the BVW in existing lawn. Lawn extends right to the tree line. Tree line comes within 10' or 12' of the BVW. Bates Lanes ends here and the easement to it is on this property. There are no other alternatives because of the septic system. Ms. Scott-Pipes: what do they want to do for mitigation? They would be happy to plant additional shrubs along the tree line, at a 2 to 1 ratio to increase the ecotone to the buffer. Garage is for a teenager to work on a car for fewer impacts to the environment. Hingham liked the idea in a similar situation. Mr. Schmid: we don't like to see intrusion into the 50' buffer. Mr. Snow: at the time this was developed, might have not been a 50' buffer. Mr. Parys: doesn't look like there would be much impact to the wildlife

habitat, if you get enough mitigation, might be an improvement. Mr. Gallivan: erosion controls? Whatever you want. Plantings were required last filing in 2006. Would be happy to submit a planting plan. Mr. Snow: Submit planting plan and we can close and have Orders ready at the next meeting. Mr. Gallivan: was there some debris to remove? Cinder dust. Mr. Bjorklund: 25' buffer was in effect when subdivision was built. Drainage goes to the Beechwood River. Motion to continue the hearing to October 28, 2013 at 6:30 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Amendment to the Order of Conditions: Carbone, 25 Town Way Extension (install footings)

Frannie Baxter was present. Raised all the houses, lost some footings that were originally installed in '79. All 3 decks were built identically, put concrete pilings on top of the old footings and added one piling. Driven pilings would be pricey. Need to bring in a small machine. No abutter notification was submitted. Mr. Gallivan: There is an open order for the tight tank, but for an amendment abutters need to be notified. You were approved to do the tight tank, but this is an additional project. Have the list of abutters from previous filing. Winter is coming; they will lose the whole house. Mr. Snow: you have the list, send those out and come to the next meeting, and bring cards back. Leaving to go south on the 15th. It happened in the February storm. In reality there has been a long time to repair it. Didn't realize needed all this other stuff. Motion to continue the hearing to October 28, 2013 at 6:40 Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Wetlands Hearing: Lapsley, 27 Rebecca Road (repair structure/reconstruct deck)*

Terry McGovern, from Morse Engineering was present at the hearing. Abutter's notification was submitted. Nemo storm in February damaged enclosed porch, exterior deck and front deck and stairs. Requesting to replace in the same location and footprint. Also need repairs to existing structure; replacing single story sun porch. Cleaned up site and concrete in back will be removed. Will set the pilings for back deck along the beach with a machine. Front portion facing Rebecca Road was ripped off and sonotubes will be used for the deck and stairs. Tom McCarthy is the builder. Mr. Schmid: one in front and one in back? Yes. Mr. Snow: Is there a piling plan? No, but they will be wood pilings. Not quite enough room to move the house for driven pilings. Mr. Snow: think we should have a plan that shows the pilings. Can have the Orders ready for the next meeting. Mr. Parys: could we close requesting a foundation plan? Applicant is not starting the work right away. Mr. Gallivan: Resource areas are land subject to coastal, coastal beach, and barrier beach. The whole area is being disturbed, but temporary disturbance. There is debris under the old deck area, asphalt, bricks, etc. Believe it was noted debris would be taken off site, but material dug out will not be removed. Fairly level grade; slight slope. Submit a piling plan and check the debris issue. Motion to continue the hearing to October 28, 2013 at 6:50 p.m. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Mr. Snow: Terry McGovern has been doing the land court work for the Crosby property and dealing with four family members. Mr. McGovern: Everything was going well until they decided to keep that little notch of property, which caused the larger parcel to be subdivided. There is also trouble with Clapp Road realignment. The Crosby/Beal family needs to order the court to leave it alone.

Order of Conditions: Barrett, Tr., 17 Seventh Ave. (rebuild after fire)

Motion to condition the project Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Enforcement:

87 Maple: should be submitting a plan this week.

28 Gardiner didn't get to read a memo that came in. Ms. Scott-Pipes: Mr. Ayer needs to delineate the wetlands; that's what we have been waiting for. This will require a second review by a wetland scientist. Mr. Snow: relatively new drain pipe; there may be a lawsuit. I understand they will not doing anything for Conservation until that is settled. Looking for the wetlands delineation and a plan. The attorneys are involved on both sides.

140 River Street: This is with Brandon Moss also. Our decision was either take it out or file. Atty. Moss feels that Chapter 91 is out of the Commission's jurisdiction.

136 Indian Trail: plan submitted from Rick Grady. Mr. Petrocelli was in today; Grady on vacation. They want to be on the October 28th agenda to explain the plan. Stormwater calcs need a consultant. There is an Order of Conditions and Stormwater submittal. All the issues are beyond the 100' buffer and he's claiming it has nothing to do with the Orders. Need to find out from DEP. Mr. Snow: If the Commission has jurisdiction over the project, we also have jurisdiction over stormwater. He's saying it is solely a stormwater piece. Mr. Gallivan: might be a problem when he wants a Certificate of Compliance. If there is no room on the site for mitigation, people offer mitigation either outside the 100' or off site. Henry Yeh is just sitting in limbo. Need to protect a neighbor and under DEP need to protect resource areas. Mr. Bjorklund: local general bylaw doesn't have anything to do with DEP. Answer is in the general bylaw. Whatever water is leaving the site can't impact an abutter or cause more runoff. Mr. Snow: they do need to explain it. Did this house become larger? Grady should be able to do an overlay. Mr. Gallivan: Neil Duggan said the foundation is higher, but thought it was the same size. Will tell the applicant we are going to select an engineer. Mr. Schmid: any cease and desist on the site? No. Mr. Snow: They are dragging their heels.

31 Candlewood – talked about site visit; do measurements early next week along with 3 or 4 other site visits. Can be any day but Monday.

105 Glades is pretty simple, replace porch footings.

280 Gannett Road is within 100' of salt marsh and a lot of debris is along the edge of marsh, should look at.

159 & 161 Hollett: 2 houses approved. One is built and the other is almost built. Should get measurements and plant counts. They are getting ready to close. May Thursday morning. Mr. Bjorklund: all the stuff is done beyond the fence line and the drainage repairs are finished. They have a Partial Certificate.

101 Ann Vinal – talked to Police Chief, haven't finalized. Mr. Snow: That is the least of your issues.

Lot 31A Central – didn't get to it.

Mr. Snow regarding CRs: trying to close on a couple pieces of properties bought by CPC, closed on Higgins/McAlister without a CR, but trying to close on a couple more pieces. Didn't think they were going to close until they had CRs. Town Counsel had them forever and they have been batted around. CPC attorney is relatively close. The town acquires property under care and custody of the Commission and it is held by another entity so that all the restrictions are upheld; that is a requirement. Maxwell Trust has worked with a lot of these properties. TA discussed with Mr. Gallivan and she wonders who should hold the CRs. In the past talked about having other towns hold the CRs. Cohasset holds one CR on a parcel. A couple years ago talked about reciprocal CRs with Marshfield. Think the Selectmen didn't want that. Frank will talk to TA. If the state doesn't have a problem with who holds the CR, we just don't need to make it more complicated. In some respects it is a technicality. There are other entities Trust for Public Lands, but they want a lot of money \$20,000 or \$30,000.

Chilmark the horse is back. Moon tide this week. Need to deal with just wetlands issues such as nitrates going into the marsh. Whether people think the horse should or shouldn't be there is not a ComCom issue.

Ms. Scott-Pipes: There is a Hunters Pond meeting next Wednesday, October 23rd at 6:00 P.M. at the Harbor Community Center. Report by Princeton Hydro is done. Neighbors are coming. Al Bangert sent out the invitations today. Neighbors seem to be coming around. Mr. Snow: dams are deteriorating. There are a lot of people interested in this. Study shows that it will be better for everyone. Received the grant for the study. Maintaining the dam would cost half a million.

Minor Activities Fees: Need to go to the Selectmen for approval to charge a fee. Have sent out about 15 so far. Mr. Snow: fees that the building department collects go to the general fund. There is less funding coming in for our park, would like to ask if those fees could go into a revolving fund or Enterprise fund, but that might be difficult. Hanover's money could be kept in a ComCom fund. Driftway Park gets a lot of use. Would like to get signs along Central Ave. Ms. Caisse: sign was there before, but not being replaced – "Resource area no parking".

RDA numbers should be displayed like the DEP File numbers.

CORRESPONDENCE

October 1, 2013 – October 16, 2013

1. Recording of OofC for 68-2465 – Emolovich, 6 Cliff Road (in file)
2. TA letter re: Neil Duggan is the authorized person to file residential appeals to FEMA. The town is filing on behalf of the resident, but not a party to the appeal.
3. Request for an Amendment to 68-2105 - 8 Dartmouth Street, license and construct an extension to the length and width of existing boat ramp 10' x 10'. (no plan/no check) (in file)
4. Request for CofC 68-2388 – Mitchell, 62 Surfside Road – Request, engineer's letter, as-built and check submitted. (in file)
5. DEP – CofC for Stewart, 27 Collier Road (in file)
6. Notification to Abutters re: Cook, 46 Indian Wind Drive (in file)
7. e-mail re: Seastrand, 97 Edward Foster Road and horse – extra area is being provided high in the yard next to the house if the area puddles again. (in file)
8. Recording for 68-2480 – Goff, 19 Wood Island Road (in file)
9. Request for CofC for 68-2374 – RJB Development, 513 First Parish Road, Request, as-built and check enclosed (in file)
10. Letter to Planning Board re: 214 Clapp Rd., John Niland – re: stormwater and low impact development techniques (in file)
11. Beals & Thomas report re: 214 Thomas Clapp Road (in file)
12. Letter to Planning Board re: 214 Clapp Road, Carol Straight – re: density, etc. (in file)
13. Recording of CofC for 68-2332 - Joy, 262 Central Ave. (in file)
14. Planning Board Amended Agenda for Thursday, October 10, 2013
15. Stormwater Magazine
16. Request for CofC for 68-2396 - 153 Jericho Road – Request, Engineer's verification, as-built, and check (in file)
17. Request for CofC for 68-2465 – 6 Cliff Road – Engineer's verification, as-built, and check (in file)
18. DEP File #68-2493 – Routh/Cook, 46 Indian Wind (in file)
19. DEP File #68-2494 – Lapsley, 27 Rebecca Road (in file)
20. DEP File #68-2495 – Flynn Realty Trust, 17 Seventh Ave. (in file)
21. Request for CofC for 8-2882 – 38 Gilson Road – Request, Engineer's verification, as-built, and check (in file)
22. FEMA re: Flood Risk Report and DVD (in TA's office)
23. 214 Clapp Road – Deb Keller's response letter to Abutter Comments (in file)
24. Atty. Watsky letter re: 214 Clapp Road – Wildlife habitat can only be protected within a wetland resource area, but not within uplands or within the extended 125' & 250' Vernal Pool buffers.
25. Planning Board - Definitive Subdivision Plan 11 building lots proposed – COMMENTS BY November 19.
26. Recording of OofC 68-2484 – E. Decker Adams, 59 Townsend Road (in file)
27. 2 Lighthouse Road – 68-2481 – Preconstruction request, Order recorded, start 10/23/13, Project Supervisor – Michael Leabman, Sequence of Construction, 68-2481 sign will be posted (in file)
28. Request to withdraw Roche, 232 Central Ave. (in file)
29. Recording of OofC 68-2481 – 2 Lighthouse Road (in file)
30. 136 Indian Trail – Stormwater Management Plan – revised October 1, 2013 (in file)

Meeting adjourned 8:07 p.m.

Respectfully submitted,

Carol Logue, Secretary